

**TWELFTH DAY**

(January 24, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was disposed with and the Journal was approved.

**Leaves of Absence**

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Hudson.

Senator Moffett was granted leave of absence for today on account of illness and a death in the family on motion of Senator Dies.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

**Report of Standing Committee**

Senator Krueger submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: We, your Committee on Game

and Fish, to which was referred H. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

**Senate Resolution 46**

Senator Parkhouse offered the following resolution for President Pro Tempore Herring:

Whereas, The Governor's Mansion of Texas was designed and constructed by that noted architect and builder, Abner Cook, and completed in 1856; and

Whereas, This Southern Ante Belum Colonial Mansion typifies the most beautiful and lasting type of architecture of the Old South which should be preserved for all times; and

Whereas, The wives of many Governors from E. M. Pease to Price Daniel have been hostesses to citizens not only of Texas but throughout the nation in this magnificent old building; and

Whereas, Mrs. Price Daniel, wife of Governor Price Daniel, has assigned herself the task of compiling and illustrating the history of this Mansion; and

Whereas, Mrs. Price Daniel has also coordinated the history of the Mansion's furnishings for 106 years and with this has catalogued the present furnishings of the Mansion; now, therefore, be it

Resolved, By the Senate of Texas, that Mrs. Daniel be given the unanimous approval, gratitude and thanks for this most valuable piece of work she has done for the preservation of the history of Texas. Future generations will also be grateful for this undertaking which is painstakingly and carefully done by one whose background and interest in history eminently qualify her to do.

HERRING  
COLSON

The resolution was read and was adopted.

**Resolution Signed**

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 11, Granting Computers, Inc., permission to sue the State of Texas.

#### **Senate Concurrent Resolution 20**

Senator Willis offered the following resolution:

S. C. R. No. 20, Extending Best Wishes and Congratulations to A. C. Howerton.

Whereas, The Honorable A. C. Howerton of the Fort Worth Police Department will retire on 27 January 1962 after having given more than 35 years of his life to the preservation of law and order in Texas; and

Whereas, A. C. Howerton is recognized by Municipal, County, State, and Federal Authorities as one of the outstanding law enforcement officers in the United States of America. His skill and perseverance in interrogating criminals has solved some of the most complicated crimes in Texas and the Southwest. Space is inadequate to record fully his contributions to the field of law enforcement; and

Whereas, While he has worked tirelessly for the enforcement of the law to protect the lives and property of all citizens, he has worked just as hard to better the working conditions and raise the living standards of law enforcement officers and their families by presenting their problems to the House of Representatives and Senate of Texas. His courteous and polite presentations before committees of the Texas Legislature have earned him the love and respect of his colleagues and Legislators alike. They have brought him tributes and successes enjoyed by few men of our time; and

Whereas, It is the desire of the Texas Legislature to honor this great law enforcement officer who helped organize the Texas Municipal Police Officers Association, was its second State President and has been President of the Fort Worth Police Officers Association since its formation; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that we extend our best wishes and congratulations to A. C. Howerton on his retirement from active police work and that a copy of this resolution signed by the Speaker of the House of Representatives and

the President Pro Tempore of the Senate of Texas be mailed to him with the good wishes of the Texas Legislature.

**WILLIS  
HARDEMAN**

On motion of Senator Willis and by unanimous consent the reading of the resolution was dispensed with and he explained the resolution.

The resolution was then adopted.

#### **Senate Concurrent Resolution 21**

Senator Aikin offered the following resolution for President Pro Tempore Herring:

S. C. R. No. 2, Granting the City of Austin right-of-way for street purposes.

Whereas, The development of such buildings at the State Office Buildings fronting on San Jacinto Boulevard and the new Federal Post Office create critical traffic problems which restrict the free and safe flow of traffic around such buildings and to the residential area in north central Austin; and

Whereas, The City of Austin has undertaken to relieve this congested condition as far north as East 19th Street by the extension of Trinity Street to the north from 17th Street; and

Whereas, San Jacinto Boulevard is reasonably adequate to carry the traffic from East 19th Street to East 30th Street, at which point the congestion begins again; and

Whereas, The existing north-south thoroughfares available to serve the north central part of Austin from this point north are Duval Street and Guadalupe Street which are both presently congested during peak hours of traffic; and

Whereas, A presently unused north-south thoroughfare 2 6/10 miles long can be made available to the citizens of the City of Austin by the extension of Speedway Street in the City of Austin 6/10 of a mile across State-owned land lying to the south of North Loop Boulevard in the City of Austin; and

Whereas, The extension of Speedway Street across said State-owned land will provide a third north-south thoroughfare to serve north central Austin and will benefit the State-owned property across which it pass-

es providing it with valuable access that will enhance the value of the property many times more than the value of the land consumed by the right of way necessary for such thoroughfare; and

Whereas, The creation of this north-south thoroughfare across State-owned property will help to insure the safety of the citizens of this State in the event of a national emergency requiring speedy evacuation of the seat of State Government; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that for and in consideration of the benefits which will accrue to the herein-after described State-owned tracts of land, there is hereby dedicated and granted to the City of Austin an easement for street purposes in, upon, along and across the following described tracts of land, to-wit:

Two (2) strips of land, each being sixty (60.00) feet in width, and each being out of and a part of those certain tracts of land out of and a part of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas, which certain tracts of land were conveyed to the State of Texas by Warranty Deed dated March 14, 1883, of record in Volume 55 at pages 247-248 of the Deed Records of Travis County, Texas; the centerline of each of the said two (2) strips of land sixty (60.00) feet in width being more particularly described as follows:

No. 1 Beginning at a concrete monument set by the City of Austin, Travis County, Texas, and being known as Concrete Monument No. 1068, on the south line of that certain 40-acre tract of land conveyed to the State of Texas and described in the aforementioned deed of record in Volume 55 at Pages 247-248 of the Deed of Records of Travis County, Texas, being also a point in the north line of Hyde Park Annex, said Hyde Park Annex being a subdivision of record in Book 2 at Page 130 of the Plat Records of Travis County, Texas, and which concrete monument is also on the centerline of Speedway, and from which point of beginning, the southeast corner of said State of Texas, 40-acre tract of land, same being a point in the north line of Lot 1, Block 11, said Hyde Park Annex, bears S 59° 45' E 54.20 feet;

Thence, with the northerly prolong-

ation of said centerline of Speedway, N 30° 07' E 0.07 feet to the point of curvature of a curve whose intersection angle is 17° 34', whose radius is 604.10 feet and whose tangent distance is 93.34 feet;

Thence, with said curve to the right an arc distance of 185.21 feet, the sub-chord of which arc bears N 38° 54' E 184.49 feet, to the point of reverse curvature between the aforementioned curve and another curve to the left whose intersection angle is 17° 06', whose radius is 620.85 feet and whose tangent distance is 93.34 feet;

Thence, with said curve to the left an arc distance of 185.29 feet, the sub-chord of which arc bears N 39° 08' E 184.61 feet to the point of tangency of said curve, said point of tangency being in a line thirty (30.00) feet west of and parallel to the east line of the aforementioned State of Texas tracts of land;

Thence with said line (30.00) feet west of and parallel to the east line of the aforementioned State of Texas tracts of land N 30° 35' E 1500.65 feet to point of termination in the southline of West 51st street as conveyed to Travis County, Texas, by deed dated July 2, 1932, of record in Volume 482 at Page 21 of the Deed Records of Travis County, Texas, and from which point of termination the northwest corner of Lot 6, Block 14, J. J. Hegeman's Subdivision, same being a subdivision of record in Book 3 at Page 114 of the Plat Records of Travis County, Texas, bears S 77° 06' E 31.49 feet;

No. 2 Beginning at a point in the north line of West 51st Street, which point of beginning is in the north line of that certain tract of land conveyed to Travis County by instrument from the State of Texas dated July 2, 1932, of record in Volume 482 at Page 21 of the Deed Records of Travis County, Texas, and from which point of beginning the southwest corner of Lot 12, Block 1, Smith and Abrahamson Subdivision, according to a map or plat of record in Book 4 at Page 252 of the Plat Records of Travis County, Texas, bears S 77° 06' E. 24.48 feet and S 59° 29' E 6.68 feet;

Thence, with a line thirty (30.00) feet west of and parallel to the east line of that certain 13-acre tract of land described in the aforementioned deed of record in Volume 55 at Page 247-248 of the Deed Records of Trav-

is County, Texas, N 30° 31' E 686.86 feet to point of termination in the south line of North Loop Boulevard and from which point of termination the northwest corner of Lot 10, Block 2, of said Smith and Abrahamson Subdivision bears S 60° 07' E 30.00 feet:

The resolution was read and was referred to the Committee on Counties, Cities and Towns.

#### House Bill 3 Postponed and Set as Special Order

On motion of Senator Reagan and by unanimous consent House Bill 3 was Set as Special Order and further action postponed until tomorrow, Thursday (January 25, 1962), at 10:00 o'clock a.m.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. C. R. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Senate Concurrent Resolution 21 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. C. R. No. 21 was ordered not printed.

#### Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KRUEGER, Chairman.

#### House Bill 30 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 30 was ordered not printed.

#### House Bill 28 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 28 was ordered not printed.

#### Senate Concurrent Resolution 21 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 21, Granting the City of Austin right-of-way for street purposes.

The resolution was read and was adopted.

#### House Bill 28 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 28, A bill to be entitled "An Act amending Section 1 of Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, as amended, to lengthen the open season on deer in that part of Val Verde County lying east of the Pecos River; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 28 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Crump
Baker	Dies
Calhoun	Fuller
Colson	Hardeman
Creighton	Hazlewood

Herring	Patman
Hudson	Ratliff
Kazen	Reagan
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moore	Smith
Owen	Spears
Parkhouse	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 30 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 30, A bill to be entitled "An Act providing an open season for hunting deer in Eastland County; authorizing the taking of one antlerless deer during the open season in said county; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 30 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hudson
Baker	Kazen
Calhoun	Krueger
Colson	Lane
Creighton	Martin
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan

Rogers	Smith
Schwartz	Spears
Secrest	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 44 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 44, A bill to be entitled "An Act making an appropriation from the General Revenue Fund to the Unemployment Compensation Clearance Account Fund No. 936, for the purpose of reimbursing the Unemployment Compensation Clearance Account for warrants voided and erroneously transferred to the credit of the General Revenue Fund; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 44 on Third Reading

Senator Patman moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

**Absent—Excused**

Moffett	Weinert
Roberts	

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 21, In memory of Frank Lee Moffett.

H. B. No. 17, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Dayton Drainage District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Galveston County Water Control and Improvement District — Crystal

Beach; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority, and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing hearing for exclusion; authorizing District certain rights, powers, and authority for and in connection with its systems, facilities, and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District but limited to Galveston County, Texas, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors; providing Directors to fill vacancies; providing for organization of Board of Directors; providing for employment of engineers, attorneys, fiscal agents, managers, and employees; providing for sale and price of bonds; providing for exchange of bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds in such exchange; providing for bonds or refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation and incontestability of the bonds or refunding bonds; and authorizing refunding bonds to be issued without concurrent surrender of underlying bonds and related matters; making bonds or refunding bonds eligible investments; making inapplicable to the District certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended; exempting property and bonds of the District from taxation and

related matters; providing for an annual audit, fiscal year, and related matters; providing District shall bear expense of relocating, raising, or rerouting of any highway, railroad, utility lines, or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 19, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59 of Article XVI, Constitution of Texas, to be known as "Memorial Villages Water Authority"; prescribing the area and powers of the Authority; providing that a confirmation election or hearing on exclusion of lands or a hearing on adoption of the plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used; providing for a Board of Supervisors to control and exercise the powers of the Authority; providing that the Authority shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; prescribing its rights, powers, privileges, and duties; making the Authority's bonds eligible for certain investments and to secure the deposit of public funds; exempting the Authority and its bonds from taxation; containing other provisions relating to the subject; enacting a savings clause; declaring the Authority essential; and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act validating Liberty County Water Control and Improvement District No. 5 and declaring it to be a validity existing and operating conservation and reclamation district under Section 59, Article XVI, Texas Constitution; validating the conversion of such district into a water control and improvement district; validating its boundaries; validating governmental proceedings and acts; validating \$380,000 bonds voted on December 9, 1961, and all proceedings had in connection therewith; declaring the plan of taxation to be used by said District; finding and determining that the lands and other property within said District are, and will be benefited by the District; containing other provisions relating

to the subject, providing a severability clause; and declaring an emergency."

H. B. No. 49, A bill to be entitled "An Act amending Article 2335, Revised Civil Statutes of Texas, 1925, to provide that persons or institutions given custody of children adjudged dependent and neglected by courts of competent jurisdiction shall be responsible for the child's education and maintenance, including the providing of necessary dental, medical and surgical care and treatment; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds heretofore authorized by any Home Rule City in the State of Texas, for the purpose of providing street and drainage improvements, or for the purpose of constructing new fire stations, and any and all proceedings, pertaining to the authorization and issuance thereof; and authorizing the issuance, sale and delivery of such bonds; providing that this Act shall apply only to bonds authorized at an election or elections wherein a majority of the voting qualified property taxpaying voters who had duly rendered their property for taxation voted in favor thereof; providing that this Act shall not affect bonds or the proceedings relating to the authorization of bonds in litigation on the effective date of this Act, if such suit or litigation is ultimately determined against the validity of the proceedings or bonds, except insofar as same might be affected by any such City being engaged in a suit or litigation questioning the power of such City to annex territory wherein the validity of its Home Rule Charter and the authority of the governing body of such City to function under such Home Rule Charter may be contested or under attack; providing a savings clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

Motion to Call from Journal  
Senate Bill 12

Senator Ratliff moved to call from the Journal S. B. No. 12 for the pur-

pose of reconsidering the vote by which S. B. No. 12 was recommitted to the Committee on Jurisprudence.

Senator Hardeman raised a point of order that the motion by Senator Ratliff is out of order for the reason that under Senate Rules 60 and 61, the motion to call up and act on a motion to reconsider that has been spread on the Journal must be made by a member of the Senate who voted on the prevailing side of the question which is to be reconsidered.

The President Pro Tempore sustained the Point of Order.

#### House Concurrent Resolution 7 on Second Reading

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 7, Granting permission to sue the State of Texas.

The resolution was read and was adopted.

#### House Concurrent Resolution 21 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 21, In memory of Frank Lee Moffett.

The resolution was read and was adopted by a rising vote of the Senate.

#### House Concurrent Resolution 19 on Second Reading

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 19, Granting permission to Mrs. Annie Lou Stapleton to sue the State of Texas.

The resolution was read and was adopted.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 49, To the Committee on Jurisprudence.

H. B. No. 24, To the Committee on Jurisprudence.

H. B. No. 17, To the Committee on Water and Conservation.

#### Senate Bill 40 on Third Reading

The President Pro Tempore laid before the Senate on its third reading and final passage:

S. B. No. 40, A bill to be entitled "An Act amending Section 2 of Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, page 505 (codified as Article 4437f of Vernon's Annotated Civil Statutes of Texas), in regard to the definition of 'hospital'; containing the severance clause; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Hardeman and Parkhouse asked to be recorded as voting "Nay" on the final passage of S. B. No. 40.

#### Senate Bill 95 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 95, A bill to be entitled "An Act authorizing the sale or lease of certain State land in Matagorda County, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 95 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin  
Baker

Calhoun  
Colson



Creighton	Martin
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Hardeman	Patman
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Spears

## Nays—2

Ratliff	Willis
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Absent—Excused

Moffett	Weinert
Roberts	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears

## Nays—2

Ratliff	Willis
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Absent—Excused

Moffett	Weinert
Roberts	

## Senate Concurrent Resolution 22

Senator Hudson offered the following resolution:

S. C. R. No. 22, Inviting U. S. Senator John Tower to address Joint Session:

Whereas, The Legislature of Texas wishes to extend an invitation to the junior Senator of the State of Texas, the Hon. John Tower, to address a joint session of the Senate and the House of the State of Texas at the discretion of the Speaker of the House

and President Pro Tempore of the Senate; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the said U. S. Senator John Tower be invited to address such Joint Session.

The resolution was read.

By unanimous consent the resolution was considered and was adopted.

## Senate Bill 61 on Second Reading

Senator Hardeman moved to suspend the regular order of business and take up S. B. No. 61 for consideration at this time.

Question—Shall S. B. No. 61 be placed on second reading?

## Executive Session

On motion of Senator Dies and by unanimous consent the Senate went into Executive Session at 11:26 o'clock a.m.

Accordingly, the President Pro Tempore directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arm to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Adjutant General, effective January 1, 1962: Brigadier General Thomas S. Bishop of Austin, Travis County.

To be Assistant Adjutant General, effective upon completion of his present military assignment: Brigadier General James D. Scott of Dallas, Dallas County.

To be a member of the Texas Aeronautics Commission, for a six-year term to expire September 4, 1967: E. M. Anderson, Jr., of Medina, Bandera County.

To be a member of the Texas Aeronautics Commission, for a six-year term to expire September 4, 1967: James N. Ludlum of Austin, Travis County.

To be a member of the Texas Aeronautics Commission, for a four-year

term to expire September 4, 1965: Dr. Lloyd M. Southwick of Edinburg, Hidalgo County.

To be a member of the Texas Aeronautics Commission, for a two-year term to expire September 4, 1963: A. G. Thompson of Hamilton, Hamilton County.

To be a member of the Texas Animal Health Commission, for a six-year term to expire September 7, 1967: Norman Moser of DeKalb, Bowie County.

To be a member of the Burial Association Rate Board, for a six-year term to expire June 12, 1967: D. C. Luckey of Rockdale, Milam County.

To be a member of the Texas Animal Health Commission, for a six-year term to expire September 7, 1967: M. Steele Wright, Jr., of Nacogdoches, Nacogdoches County.

To be a member of the Burial Association Rate Board for a six-year term to expire June 12, 1967: C. C. Cate of Sweetwater, Nolan County.

To be a member of the State Board of Chiropractic Examiners, for a six-year term to expire August 4, 1967: Dr. Joe E. Busby of Abilene, Taylor County.

To be a member of the State Board of Chiropractic Examiners, for a six-year term to expire August 4, 1967: Dr. Charles E. Courtion of San Angelo, Tom Green County.

To be a member of the State Board of Chiropractic Examiners, for a six-year term to expire August 4, 1967: Dr. C. T. Harkey, Jr., of Victoria, Victoria County.

To be an ex officio member of the Texas Civil Judicial Council, to succeed Judge W. L. Thornton, deceased: Judge D. B. Wood of Georgetown, Williamson County.

To be a member of the Board of Directors of the Upper Colorado River Authority, to fill the unexpired term of K. V. Northington, deceased, term to expire January 1, 1965: Everett J. Grindstaff of Ballinger, Runnels County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1967: H. H. Coffield of Rockdale, Milam County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1967: Leland B. Kee of Angleton, Brazoria County.

To be a member of the Credit Union Advisory Commission, for a three-year term to expire December 31, 1964: O. B. Worley of Pampa, Gray County.

To be a member of the Credit Union Advisory Commission, for a three-year term to expire December 31, 1964: H. B. Yates of Dallas, Dallas County.

To be Judge of the District Court of the Fifth Judicial District, to fill the unexpired term of Judge Robert S. Vance, deceased: Stuart E. Nunn of Texarkana, Bowie County.

To be Associate Justice of the Court of Civil Appeals for the Third Supreme Judicial District, to fill the unexpired term of Judge Raymond Gray, resigned: Cyril K. Richards of Austin, Travis County.

To be Judge of the District Court of the 14th Judicial District, to fill the unexpired term of Judge Sarah T. Hughes, resigned: Clarence A. Guitard of Dallas, Dallas County.

To be District Attorney of the 42nd Judicial District, to fill the unexpired term of William T. Thomas, resigned: Nelson Quinn of Abilene, Taylor County.

To be District Attorney of the 46th Judicial District, to fill the unexpired term of Jack Hightower, resigned: Curtis Renfro of Vernon, Wilbarger County.

To be Judge of the District Court of the 52nd Judicial District, to fill the unexpired term of Judge H. W. Allen, deceased: Truman E. Roberts of Hamilton, Hamilton County.

To be District Attorney of the 52nd Judicial District, to fill the unexpired term of Truman E. Roberts, resigned: Byron Leaird McClellan of Gatesville, Coryell County.

To be Judge of the District Court of the 54th Judicial District, to fill the unexpired term of Judge D. W. Bartlett, resigned: Charles F. Koehne, Jr., of Waco, McLennan County.

To be District Attorney of the 72nd Judicial District, to fill the unexpired

term of George Gilkerson, resigned: Alton R. Griffin of Lubbock, Lubbock County.

To be Judge of the District Court of the 86th Judicial District, to fill the unexpired term of Judge A. A. Dawson, resigned: Thomas H. Crofts of Terrell, Kaufman County.

To be Judge of the District Court of the 128th Judicial District, to fill the unexpired term of Judge Homer E. Stephenson, resigned: James N. Neff of Orange, Orange County.

To be a member of the Board of Directors of the Central Colorado River Authority, to fill the unexpired term of H. E. Evans, deceased, term to expire January 1, 1967: Ralph Edens of Talpa, Coleman County.

To be a member of the Board of Directors of the Dallas County Flood Control District, for a six-year term to expire September 4, 1967: Ray A. Foley of Dallas, Dallas County.

To be a member of the State Board of Dental Examiners, for a six-year term to expire May 24, 1967: Dr. H. Arthur Zappe of Mineral Wells, Palo Pinto County.

To be a member of the State Board of Dental Examiners, for a six-year term to expire May 24, 1967: Dr. Jack R. Winston of Houston, Harris County.

To be a member of the State Board of Registration for Professional Engineers, for a six-year term to expire September 24, 1967: John W. Beretta of San Antonio, Bexar County.

To be a member of the State Board of Registration for Professional Engineers, for a six-year term to expire September 24, 1967: H. O. Hodson of Amarillo, Potter County.

To be members of the Game and Fish Commission, for six-year terms to expire September 1, 1967: Morris Higley of Childress, Childress County; Howard A. Carney of Atlanta, Cass County.

To be a member of the State Board of Health, for a six-year term to expire June 12, 1967: Dr. Joseph Bryson Copeland of San Antonio, Bexar County.

To be a member of the State Board of Health, for a six-year term to ex-

pire June 12, 1967: Dr. Robert D. Moreton of Fort Worth, Tarrant County.

To be a member of the State Board of Health, for a six-year term to expire June 12, 1967: Joe B. Winston of Mercedes, Hidalgo County.

To be a member of the Board for Texas State Hospitals and Special Schools, for a six-year term to expire February 15, 1967: Howard T. Tellepsen of Houston, Harris County.

To be a member of the Board for Texas State Hospitals and Special Schools, for a six-year term to expire February 15, 1967: Dr. Horace E. Cromer of Austin, Travis County.

To be a member of the Board for Texas State Hospitals and Special Schools, for a six-year term to expire February 15, 1967: Mrs. H. E. Butt of Corpus Christi, Nueces County.

To be a member of the Board for Texas State Hospitals and Special Schools, to fill the unexpired term of French M. Robertson, resigned, term to expire February 15, 1963: David B. Irons of Dallas, Dallas County.

To be lawyer member and chairman of the Industrial Accident Board, for a six-year term to expire September 1, 1967: J. Overby Smith of Austin, Travis County.

To be a member of the State Board of Insurance, to fill the unexpired term of Dr. Robert A. Strain, resigned, term to expire January 31, 1965: Durwood Manford of Smiley, Gonzales County.

To be a member of the Liquor Control Board, for a six-year term to expire November 15, 1967: W. D. Noel of Odessa, Ector County.

To be a member of the Board of Trustees of the Municipal Retirement System, to fill the unexpired term of W. H. Whaley, term to expire December 31, 1964: Terrell Blodgett of Waco, McLennan County.

To be a member of the State Board of Vocational Nurse Examiners, for a six-year term to expire September 7, 1967: Mrs. Maggie Houchins Brice of Hallettsville, Lavaca County.

To be a member of the State Board of Vocational Nurse Examiners, for

a six-year term to expire September 7, 1967: Dr. G. V. Brindley, Jr., of Temple, Bell County.

To be a member of the State Board of Vocational Nurse Examiners, for a six-year term to expire September 7, 1967: H. M. Cardwell of Lufkin, Angelina County.

To be a member of the State Board of Examiners in Optometry, for a six-year term to expire August 11, 1967: Dr. James R. Gill, Jr., of Waxahachie, Ellis County.

To be a member of the State Board of Examiners in Optometry, for a six-year term to expire August 11, 1967: Dr. H. A. Harbour of Kerrville, Kerr County.

To be a member of the State Parks Board, for a six-year term to expire May 15, 1967: Max Starcke of Austin, Travis County.

To be a member of the State Parks Board, for a six-year term to expire May 15, 1967: Harry P. Hornby, Jr., of Uvalde, Uvalde County.

To be a member of the State Board of Pharmacy, for a six-year term to expire June 14, 1967: Hatton W. Simpson of Tyler, Smith County.

To be a member of the State Board of Pharmacy, for a six-year term to expire June 14, 1967: Sam G. Wood of Killeen, Bell County.

To be a member of the Texas Real Estate Commission, for a six-year term to expire October 5, 1967: Curby H. Mirike of Fort Worth, Tarrant County.

To be a member of the Texas Real Estate Commission, to fill the unexpired term of Claude D. Wilson, deceased, and for a six-year term to expire October 5, 1967: Harry O. Rearick of El Paso, El Paso County.

To be a member of the Radiation Advisory Board, for a six-year term to expire October 13, 1967: Dr. J. R. Maxfield, Jr., of Dallas, Dallas County.

To be a member of the Radiation Advisory Board, for a six-year term to expire October 13, 1967: E. C. Stokely of Freeport, Brazoria County.

To be a member of the Radiation Advisory Board, for a six-year term

to expire October 13, 1967: Dr. Ben DuBilier of Austin, Travis County.

To be a member of the Radiation Advisory Board, for a four-year term to expire October 13, 1965: C. R. Johnson of Texas City, Galveston County.

To be a member of the Radiation Advisory Board, for a four-year term to expire October 13, 1965: Dr. Herbert C. Allen, Jr., of Houston, Harris County.

To be a member of the Radiation Advisory Board, for a four-year term to expire October 13, 1965: E. C. McFadden of Dallas, Dallas County.

To be a member of the Radiation Advisory Board, for a two-year term to expire October 13, 1963: Boone Powell of Dallas, Dallas County.

To be a member of the Radiation Advisory Board, for a two-year term to expire October 13, 1963: Dr. Lloyd R. Hershberger of San Angelo, Tom Green County.

To be a member of the Radiation Advisory Board, for a two-year term to expire October 13, 1963: Dr. Julius W. Dieckert of College Station, Brazos County.

To be a member of the Board of Directors of the Red River Authority, for a six-year term to expire November 17, 1967: Jerome W. Johnson of Amarillo, Potter County.

To be a member of the Board of Directors of the Red River Authority, for a six-year term to expire November 17, 1967: C. O. Glenn of Nocona, Montague County.

To be a member of the Board of Directors of the Red River Authority, for a six-year term to expire November 17, 1967: V. E. Dodson of Hereford, Deaf Smith County.

To be a member of the Board of Managers of the Texas State Railroad, for a six-year term to expire April 8, 1967: E. M. Decker, Jr., of Jacksonville, Cherokee County.

To be a Commissioner of Pilots for the Sabine Bar, Pass, and Tributaries, for a two-year term to expire June 15, 1963: Ben F. Shipley of Beaumont, Jefferson County.

To be a Commissioner of Pilots for the Sabine Bar, Pass, and Tributaries, for a two-year term to expire June 15, 1963: Neal D. Rader of Port Arthur, Jefferson County.

To be a Commissioner of Pilots for the Sabine Bar, Pass, and Tributaries, for a two-year term to expire June 15, 1963: Mack A. Pond of Port Arthur, Jefferson County.

To be a Commissioner of Pilots for the Sabine Bar, Pass, and Tributaries, for a two-year term to expire June 15, 1963: H. S. Peterson of Orange, Orange County.

To be a member of the Board of Directors of the Sabine River Authority, for a six-year term to expire July 6, 1967: D. N. Beasley of San Augustine, San Augustine County.

To be a member of the Board of Directors of the Sabine River Authority, for a six-year term to expire July 6, 1967: Gus Morris of Greenville, Hunt County.

To be a member of the Board of Directors of the Sabine River Authority, for a six-year term to expire July 6, 1967: O. L. Norton of Longview, Gregg County.

To be a member of the San Jacinto State Park Commission, for a two-year term to expire May 23, 1963: William N. Blanton, Sr., of Houston, Harris County (designated Chairman).

To be a member of the San Jacinto State Park Commission, for a two-year term to expire May 23, 1963: W. T. Kendall of Houston, Harris County.

To be a member of the San Jacinto State Park Commission, for a two-year term to expire May 23, 1963: Mrs. H. Raymond Hagan of Houston, Harris County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1962: Garwood Gerdes of Giddings, Lee County.

To be a member of the State Board of Registration for Public Surveyors, for a six-year term to expire September 6, 1967: Clifford C. Cool of Midland, Midland County.

To be a member of the State Board of Registration for Public Surveyors, for a six-year term to expire September 6, 1967: Perry Thompson of Longview, Gregg County.

To be a member of the State Seed and Plant Board, for a two-year term to expire October 6, 1963: Dr. A. W. Young of Lubbock, Lubbock County.

To be a member of the State Seed and Plant Board, for a two-year term to expire October 6, 1963: Emmett Harper of Martindale, Caldwell County.

To be a member of the State Seed and Plant Board, for a two-year term to expire October 6, 1963: C. B. Godbey of College Station, Brazos County.

To be a member of the Board of Trustees of the Teacher Retirement System, for a six-year term to expire August 31, 1967: Nat Williams of Lubbock, Lubbock County.

To be a member of the Board of Trustees of the Teacher Retirement System, for a six-year term to expire August 31, 1967: Leon Stone of Austin, Travis County.

To be director-at-large of the Tri-County Municipal Water District, for a two-year term to expire July 22, 1963: Jack C. Altaras of Cleburne, Johnson County.

To be a member of the Board of Regents of the University of Texas, to fill the unexpired term of Joe C. Thompson, deceased, term to expire January 10, 1963: French M. Robertson of Abilene, Taylor County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: L. A. Wakefield, Sr., of Madisonville, Madison County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: Guy C. Jackson, Jr., of Anahuac, Chambers County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: J. C. (Jake) Smyth of Liberty, Liberty County.

To be a member of the Board of Directors of the Trinity River Au-

thority, for a six-year term to expire March 15, 1967: Sam F. Arledge of Crockett, Houston County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: Joe E. Butler of Corsicana, Navarro County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: Amon G. Carter, Jr., of Fort Worth, Tarrant County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: Ben H. Carpenter of Dallas, Dallas County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1967: Lewis S. Stanford of Livingston, Polk County.

To be a member of the Veterans Affairs Commission, for a six-year term to expire June 12, 1967: J. Walter Janko of Somerville, Burleson County.

To be a member of the Veterans Affairs Commission, to fill the unexpired term of Ted Connell, resigned, term to expire June 12, 1965: Charles C. Ford of Longview, Gregg County.

To be a member of the State Board of Veterinary Medical Examiners, for a six-year term to expire August 26, 1967: Dr. Horace T. Barron of Taylor, Williamson County.

To be a member of the State Board of Veterinary Medical Examiners, for a six-year term to expire August 26, 1967: Dr. Billie C. Robertson of Abilene, Taylor County.

To be a member of the State Board of Water Engineers, to fill the unexpired term of Durwood Manford, resigned, term to expire August 19, 1963: H. A. Beckwith of Eagle Pass, Maverick County.

To be a member of the State Water Pollution Control Board, for a six-year term to expire November 8, 1967: Sam Wohlford of Stratford, Sherman County.

To be a member of the State Water Pollution Control Board, for a four-

year term to expire November 8, 1965: C. M. Shigley of Freeport, Brazoria County.

To be a member of the State Water Pollution Control Board, for a two-year term to expire November 8, 1963: J. S. Hudnall of Tyler, Smith County.

To be a member of the Board of Directors of the Williamson County Water Supply District, for a six-year term to expire September 25, 1967: Jack Titsworth of Taylor, Williamson County.

To be a member of the Board of Directors of the Williamson County Water Supply District, for a six-year term to expire September 25, 1967: George Truett Beard of Granger, Williamson County, Texas.

To be a member of the Texas Youth Council, for a six-year term to expire September 1, 1967: Louis M. Henna of Round Rock, Williamson County.

To be a member of the Texas Youth Council, to fill the unexpired term of W. C. Windsor, Jr., resigned, term to expire September 1, 1963: Dr. Guy Newman of Brownwood, Brown County.

#### In Legislative Session

The President Pro Tempore called the Senate to order as in Legislative Session at 12:09 o'clock p.m. today.

#### Recess

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. took recess until 2:00 o'clock p.m. today.

#### After Recess

President Pro Tempore called the Senate to order at 2:00 o'clock p.m. today.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 24, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 6, A bill to be entitled "An Act validating all proceedings in connection with county bonds heretofore favorably voted for the purpose of erecting, repairing and equipping courthouse and jail buildings and county branch office buildings; etc.; and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act authorizing Cities and Towns in this State, regardless of how incorporated, but which are located within or which have contracted or may hereafter contract with any Municipal Water Authority or other District organized under Section 59 of Article XVI of the Texas Constitution, for a supply of untreated water, to acquire either separately or jointly by gift, dedication, purchase, condemnation or otherwise, property located inside or outside such Cities and Towns for the purpose of providing water purification and treatment facilities; etc.; and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Pettus Municipal Utility District'; etc.; and declaring an emergency."

(With amendment.)

H. B. No. 29, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution to be known as 'Henderson County Municipal Water Authority,' comprising certain territory contained within Henderson County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and treating, transporting, and distributing the same, and constructing sanitary sewers and facilities; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said authority: authorizing the authority to do all things necessary to make available for municipal and industrial uses, the water from surface and underground sources, and to purchase from cities, districts, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for payment and security thereof by the levy of ad valorem taxes or the pledge of revenues, or both; making appli-

cable to the authority, Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing the other powers of the authority; enacting other provisions relating to this subject; and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act creating Alice Water Authority, a conservation district, under Article 16, Section 59, of the Constitution, comprising the territory contained in the City of Alice, Texas, as of December 1, 1961 etc.; and declaring an emergency."

(With amendment.)

S. B. No. 32, A bill to be entitled "An Act re-establishing and recreating Angleton Drainage District of Brazoria County, Texas, as 'Angleton Drainage District' subject to the provisions of this Act; providing that such District is a conservation and reclamation District under the provisions of Section 59, Article XVI, Constitution of Texas; etc., and declaring an emergency."

(With amendment.)

S. B. No. 33, A bill to be entitled "An Act re-establishing and recreating Velasco Drainage District of Brazoria County, Texas, as 'Velasco Drainage District' subject to the provisions of this Act; etc., and declaring an emergency."

(With amendment.)

S. B. No. 37, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and improvement District—Lake Alaska; etc., and declaring an emergency."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 53, To the Committee on Jurisprudence.

H. B. No. 19, To the Committee on Counties, Cities and Towns.

H. B. No. 18, To the Committee on Counties, Cities and Towns.

#### Senate Bill 96 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Smith:

S. B. No. 96, A bill to be entitled "An Act amending Chapter 16, Acts of the 51st Legislature, 1st Called Session, 1950, by adding a new section to be known as Section 1a changing the name and designation of County Court at Law of Lubbock County to County Court at Law No. 1 of Lubbock County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Executive Session

Senator Dies asked unanimous consent for the Senate to go into Executive Session at 2:08 o'clock p.m. today.

Accordingly, the President Pro Tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a Branch Pilot for the Sabine Bar, Pass and Tributaries, for a two-year term to expire October 1, 1963: Robert H. Welch, Jr., of Port Arthur, Jefferson County.

To be Branch Pilots for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire January 13, 1964: John Robert DeForest of Corpus Christi, Nueces County; Harold Percy Lister, Jr., of Corpus Christi, Nueces County; Ollin Shephard of Corpus Christi, Nueces County.

To be a Branch Pilot for the Sabine Bar, Pass and Tributaries, for a two-year term to expire January 15, 1964: Donald C. Ferguson of Port Arthur, Jefferson County.

To be Branch Pilots for the Sabine Bar, Pass and Tributaries, for two-year terms to expire September 25, 1963: John M. Cox of Port Arthur, Jefferson County; Arne Pedersen of Port Arthur, Jefferson County.

To be a Branch Pilot for the Ports of Galveston and Texas City, for a two-year term to expire October 30, 1963: James A. Borup of Galveston, Galveston County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire October 9, 1963: Carl Joseph Bromley, Jr., of Corpus Christi, Nueces County.

To Be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire August 25, 1963: B. F. Mahaffey of Houston, Harris County; Charles C. Lary, Jr., of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire December 14, 1963: T. H. Bratcher of Houston, Harris County; Cowney Townsend McMains of Houston, Harris County; E. B. Mercer, Jr., of Houston, Harris County.

To be Branch Pilots for the Ports of Galveston and Texas City, for two-year terms to expire August 29, 1963: Robert W. Howard of Galveston, Galveston County; George W. Crosby of Galveston, Galveston County; Ralph M. Watson of Galveston, Galveston County; Harold F. Johnson of Galveston, Galveston County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire November 22, 1963: J. F. Johnson of Houston, Harris County; J. W. Pearson of Houston, Harris County; R. E. Wicker of Houston, Harris County; Paul Collie of Houston, Harris County; Elmer C. Bell of Houston, Harris County; Robert E. Adams of Houston, Harris County; LeRoy Arthur of Houston, Harris County; T. N. Lightsey, Jr., of Houston, Harris County; P. J. Neely, Jr., of Houston, Harris County; W. B. Parker of Houston, Harris County; Arthur Tuttle, Jr., of Houston, Harris County.

To be a Commissioner of Pilots for the Sabine Bar, Pass and Tributaries, for two-year term to expire June 15,



1963: Troy D. Cousins of Beaumont, Jefferson County.

To be a member of the State Board of Hairdressers and Cosmetologists, for a six-year term to expire August 9, 1967: Bill Stafford of Austin, Travis, County.

#### In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 4:15 o'clock p. m.

#### Message from the Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas,  
January 24, 1962.

To the Members of the 57th Legislature, Third Called Session:

In my opening message delivered to the Legislature on the first day of this Special Session, I said, "I am convinced that this can be one of the most productive Special Sessions in the history of our State." Your prompt and diligent action thus far has borne out this prediction. I commend you for the accomplishments to date.

If you enact the remaining major items of small loan regulation and adequate emergency appropriations, there is no doubt but that the members of this Legislature will have written the most successful record of any Special Session ever held in Texas.

I commend the Senate for its action in proposing increases in the salaries of some of the State's top administrative officers. This I had recommended in previous budget messages, and although it had not been suggested specifically at this session, I fully concur in these proposals and recommend their enactment. Texas is fortunate to have some of the finest administrative officers in the Nation, and considering the multi-million dollar size and vast scope of the operations for which they are responsible, these higher salaries are fully justified. I also recommend a revision of the salary schedules and financing of the Texas Securities Commission, which is suffering constant losses of experienced accountants and examiners who cannot be retained or replaced at present salaries.

I am deeply concerned about the

reductions which were made in the Senate bill appropriating funds for the tourist attraction program and repair of the San Jacinto Monument and Memorial Museum. In view of the recognized merits of these two proposals, I am assuming that these reductions were made before the State Comptroller certified that there would be an additional \$300,000 available for appropriation during this biennium. In any event, I strongly urge that these appropriations be restored to the amounts heretofore recommended.

#### TOURIST ATTRACTION PROGRAM

The reduction of the tourist attraction appropriation from \$300,000 to \$200,000 in the Senate bill actually means a \$200,000 reduction in the funds which will be available for this program, because all of this appropriation in excess of \$100,000 must be matched equally by private funds. The total recommended amount is small in comparison with that expended by other States which are competing with us for the tourist business, and I am confident that it will be an investment which will yield substantial returns to the State and to our people.

I also recommend that the Submerged Lands Act (S. B. 71 of the Regular Session) be amended to include recreation as one of the purposes for which the land may be leased.

#### SAN JACINTO MEMORIAL AND MUSEUM

Of equal importance is our responsibility to provide adequate funds to repair and renovate the San Jacinto Memorial and Museum Building. This structure houses one of the most treasured collections of Texas historical materials and exhibits. More important, it marks the hallowed ground on which Texas won its freedom. It serves as a memorial to a greatly outnumbered band of Texans who were willing to risk their lives for the cause of liberty. Except for their courageous deeds, you and I would not be enjoying the fruits of their victory as there would be no State of Texas as we know it today.

The men at San Jacinto did not settle for halfway measures, and I do not think we should employ halfway measures in preserving the memorial

which marks the site of their victory.

Two reputable engineers have estimated that it will take approximately \$157,000 to properly restore this structure so as to prevent further damage and deterioration of the building and its valuable documents and displays, and permit reopening of the Museum which has now been closed to the public. The Attorney General has ruled that this expenditure may be made from State Building Commission funds without calling upon the General Fund. The work can be supervised by the State Board of Control the same as the Capitol Building repairs are being conducted by the Board of Control with funds furnished by the State Building Commission. The work will be let on sealed bids, and if it can be performed for less than \$157,000, it will be done.

Half that amount is wholly insufficient. Nothing will be accomplished by repairing only the top or bottom half of the structure, since the hurricane winds and rains have resulted in damage and leaks scattered throughout the entire shaft and base of the building.

For the safety of the thousands of school children and other visitors each year, the protection of the valuable collections, and in memory of those who fought here that Texas might be free, I again urge the appropriation of the full amount recommended for repairing and renovating this historic structure.

Respectfully submitted,  
PRICE DANIEL,  
Governor

#### Senate Bill 97 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. B. No. 97, A bill to be entitled "An Act amending Chap. 26, Acts of the 56th Leg., Second Called Session, 1959, as last amended, codified as Art. 8280-243, Vernon's Texas Civil Statutes, by adding thereto a new section so as to provide for the reorganization of the district contingent upon the results of an election for the approval or disapproval of certain proposed projects; providing powers, duties and administration; repealing all laws or parts of laws in conflict

therewith, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 97, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

#### Senate Bill 97 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 97 was ordered not printed.

#### House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 29, To the Committee on Water and Conservation.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 24, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred S. B. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Memorial Resolution

S. R. No. 45—By Senator Willis: Memorial resolution for Paul Davenport.

#### Recess

Senator Schwartz moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, Yeas and Nays were demanded.

The motion to recess prevailed by the following vote:

#### Yeas—15

Calhoun	Krueger
Colson	Martin
Creighton	Moore
Dies	Patman
Fuller	Rogers
Herring	Schwartz
Hudson	Spears
Kazen	

#### Nays—13

Aikin	Parkhouse
Baker	Ratliff
Crump	Reagan
Hardeman	Secrest
Hazlewood	Smith
Lane	Willis
Owen	

#### Absent—Excused

Moffett	Weinert
Roberts	

Accordingly the Senate at 4:25 o'clock p.m. took recess until 10:30 o'clock p.m. tomorrow.

### TWELFTH DAY

(Continued)

(Thursday, January 25, 1962)

#### After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President Pro Tempore.

#### House Bill 3 as Special Order

The President Pro Tempore announced that House Bill 3 set as

Special Order for 10:00 o'clock on today, would be the first business of the day.

#### Committee Substitute

#### House Bill 3 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading.

C. S. H. B. No. 3,

#### A BILL

#### To Be Entitled

An Act to define and regulate the business of lending money at rates of interest exceeding ten per cent (10%) per annum; to prohibit any person engaged in the business of making loans with cash advances of Five Hundred Dollars (\$500) or less from charging rates of interest exceeding ten per cent (10%) per annum unless such person is licensed; to authorize the licensing and regulation of persons engaged in such business; to permit licensees to charge a greater rate of interest than lenders not licensed hereunder; to prescribe maximum rates of interest that licensees are permitted to charge; to provide for administration and enforcement of this Act and the issuance of regulations and orders therefor; to authorize the making of examinations and investigations and the publication of reports thereof; to provide for the review of administrative acts hereunder; to provide penalties; to provide certain exemptions; to amend Chapter 144, Acts of the Forty-eighth Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes, and Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1925; to repeal Chapter 472, Acts of the Fifty-second Legislature, Regular Session, 1951, compiled as Article 1524a-1, Vernon's Annotated Civil Statutes, and Chapter 17, Acts of the Fortieth Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the Forty-ninth Legislature, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes and Article 1129a, Vernon's Annotated Penal Code, and Subdivisions (5) and (6) of Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of 1925, and all other laws or parts of laws